



MINUTES

Board of Zoning Appeals

February 22, 2010

4:00 P.M.

City Hall, Council Chambers
Fredericksburg, Virginia

MEMBERS PRESENT

Helen Ross, Chair
Richard Conway, Vice Chair
Janet Sokol
Richard Friesner

MEMBERS ABSENT

Roy Gratz

STAFF

Debra M. Ward, Zoning Officer
Sheree Waddy, Recording Secretary

Mr. Conway called the meeting to order at 4:00 p.m.

OPENING REMARKS

Mr. Conway determined that a quorum was present.

ELECTION OF OFFICERS

Mr. Conway called for nominations for Chair and Vice Chair.

Ms. Sokol nominated Mr. Conway for Chair.

Mr. Conway declined the nomination and then nominated Ms. Ross for Chair.

Mr. Conway called for the vote. The motion carried, 2-2.

Ms. Ross nominated Mr. Conway for Vice Chair.

Mr. Conway asked if there were additional nominations. There were none.

Mr. Conway called for the vote. The motion carried unanimously.

Ms. Ross assumed the Chair.

Public Hearing Item(s)

V10-01: 302 Hanson Avenue (Estate of Harvey L. Pettit, Ronald A. Pettit, Executor).

Ms. Ward explained that this was a request to reduce the required open space from 30 percent to 20 percent for this property located in the Commercial-Transitional (C-T) zoning district.

The applicant, Harvey Pettit, was represented by his attorney, Charlie Payne, Hirschler Fleischer, Attorneys at Law, Fredericksburg, Virginia. Mr. Payne provided a brief history of the zoning of the property. He explained that in order to maintain the viability of the business Mr. Pettit needed to update the property.

Mr. Conway asked if any improvements were planned for the Welford Street side.

Mr. Payne said that Larry Ingalls, of Sullivan, Donahoe and Ingalls, PC, Fredericksburg, Virginia, would explain the site work that was planned for the property.

Mr. Ingalls outlined the proposed site work. He said there would be more landscaping, additional parking, and that the Welford Street entrance would be closed.

Mr. Sokol clarified that approval of this variance would allow the property owner to modernize the existing building which would maintain the viability of the business.

Mr. Ingalls said the existing building would be rebuilt.

There was no public comment.

Mr. Friesner stated that his employer had done business with Kentucky Fried Chicken in the past, but that it did not pertain to this location and that he had not been involved with the work.

Mr. Conway asked what would happen to the shed.

Mr. Pettit said that the dumpster was currently maintained in the shed structure, but the shed would be removed and a dumpster enclosure would be built on that site.

Ms. Sokol said that the facts presented show cause for undue hardship and made a motion to grant the requested variance to reduce the required open space requirement from 30 percent to 20 percent. Mr. Friesner seconded. The motion carried unanimously.

OTHER BUSINESS

Proposed Amendment to BZA By-Laws – Ms. Ward explained that City Council had amended City Code Chapter 10, Section 10-93 and that the By-Laws needed to be revised to reflect the change. Ms. Ward suggested that the Board review the proposed amendment to the By-Laws and at the next meeting they could vote on adoption of the amendment. The Board agreed.

APPROVAL OF MINUTES

Ms. Ross asked if there were any changes to the March 16, 2009 meeting minutes.

Mr. Conway made a motion to accept the March 16, 2009 meeting minutes as submitted. Ms. Sokol seconded. The motion carried unanimously.

The meeting adjourned at 4:36 p.m.

Helen Ross, Chair